

Michael Faillace & Associates, P.C.

Employment and Litigation Attorneys

60 E 42nd Street, Suite 2540
New York, New York 10165

Telephone: (212) 317-1200
Facsimile: (212) 317-1620

jbarton@faillacelaw.com

September 9, 2016

Via ECF

Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: Aguilar et al v. Philka Grocery Corp. et al; 15-cv-04592-AKH

Your Honor:

This office represents Plaintiffs in the above-referenced matter. We write to advise the Court that, after consulting with us, Plaintiff Pedro Fernandez Espinosa has decided to dismiss all of his claims against Defendants without prejudice.

Accordingly, attached please find a Stipulation of Partial Dismissal for Your Honor's review and approval. In deference to the Second Circuit's ruling in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), we emphasize that Plaintiff Espinosa has not reached a settlement with Defendants. He has simply decided to no longer pursue his claims.

We thank the Court for its consideration.

Respectfully Submitted,

/s/ Jesse Barton

Jesse Barton

MICHAEL FAILLACE & ASSOCIATES, P.C.

Attorneys for Plaintiffs